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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,846	10/19/2000	Courtney C. Konopka	66161 7114	6249
22242 7590 09/19/2007 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER SPOONER, LAMONT M	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/692,846

Applicant(s)

KONOPKA ET AL.

Examiner

Lamont M. Spooner

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 26-30 and 32-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 26-30 and 32-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the appeal brief filed on 1/17/06, PROSECUTION IS
HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

2. Applicant's arguments filed 6/7/07 regarding claim 17 has been fully considered but they are not persuasive. The Examiner notes the template structure of Geilhufe, however contrary to applicant's arguments, "Geilhufe, is unable to process open-ended requests." page 8, the structural template of Geilhufe which takes a command does not define an open ended

request. The open-ended request is defined by the actual user input, and is broadly stated. The Examiner invites the applicant to explicitly define an open-ended request, and incorporate such a definition, as the applicant is permitted to be his own lexicographer, into the claim. However, as a request is made in the system of Geilhufe, and the request is not closed-ended request, which also does not provide an explicit definition, the Examiner has interpreted the claim Geilhufe to incorporate an open ended request.

3. The Examiner further is not persuaded by applicant's arguments "Geilhufe system does not switch from a first set of models, grammars and lexica..." The Examiner notes **"After supplying the appliance name, a user is granted access to further commands of the standard VUI operating on the voice controlled device at 601)"** which is sufficient to transfer from first to a second, wherein there is a multi-step from one set of commands, which encompasses a first context and grammar and lexica to a "further", which is interpreted as the second set.

4. Applicant's arguments, see appeal brief, filed 6/7/07, with respect to 1-16, 26-30 and 32-44 have been fully considered and are persuasive. The previous rejections of claims 1-16, 26-30, and 32-44 have been withdrawn.

Allowable Subject Matter

5. Claims 1-16, 26-30 and 32-44 are allowed.

The following is an examiner's statement of reasons for allowance:

The instant application is deemed to be directed to a nonobvious improvement over the invention patented in Junqua in view of Giuliani and White as explicitly detailed in applicant's appeal brief filed 6/7/07, see pages 9-13.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Geilhufe et al. (Geilhufe, US 6,584,439)

As per claim 17, Geilhufe teaches a method of speech recognition comprising:

searching for an attention word based on a first context including a first set of grammar models (C.18.lines 47-58-his "Aardvark" as the attention word, the first set of grammar model recognizes attention words); and

switching upon finding the attention word to a second context to search for an open- ended user request , wherein second context includes a second set of models, grammar and lexicons (ibid, wherein the open ended request if for the system to "Call mom", and encompasses the second context, wherein grammar specific function for calling mom is realized, in the new context, more specifically-the personal name of Aardvark-employs it's own grammar, lexicon and model of device names- which is inherently and undeniably a context, wherein the user must supply the word Aardvark-wherein in the context is interpreted as the application determination, secondly, the context is inherently switched to a second context (or topic) directly relating to the open ended user request, this second context employs only thereafter a second grammar, model and lexicon which it accesses after the keyword "Aardvark" is determined, see also column C.20.lines 54-57 "After supplying the appliance name, a user

is granted access to further commands of the standard VUI operating on the voice controlled device at 601).

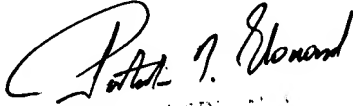
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571/272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lms
9/17/07


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